

## REMARKS

The objection to the specification as failing to provide proper antecedent basis for the claimed subject matter is respectfully traversed. The Examiner refers to the terminology "side by side" in claim 2. It is not required under 37 CFR 1.75(d) or in the MPEP for the claims and specification to utilize the exact literal terminology. The words "side by side" in the claim are not intended to define a technical relationship inconsistent with the dictionary meaning of each word "side". Accordingly, "side by side" defines a geometrical relationship of proximity between the two projections which, in addition to the word "parallel", gives direction as well to each of the projections. Applicant understands that the Examiner has interpreted this to mean "spaced apart" which is acceptable provided it also means in proximity to one another, as well. There is no basis for interpreting the words "side by side" as meaning being only spaced apart but not in relatively close proximity or next to one another. The projections are also in parallel with one another. To be spaced apart without being in proximity means the projections could be at different ends of the apparatus and cannot perform the claimed function. A claim must be interpreted to permit the claimed elements to perform the specified function.

Applicant acknowledges the statement of the Examiner regarding claims 2-7 relative to claim 1.

Claim 1 includes the following paragraph at the end thereof:

".....wherein a plurality of projections are provided on at least one of the frame and the suspension holder, with the projections acting as stoppers that restrict rotation of the lens holder so as to prevent excessive deformation of the elastic supports with at least one of said plurality of projections being provided on said frame in addition to another projection which is provided on the lens holder being laterally disposed in an arrangement spaced side by side in parallel to one another relative with the recording surface."

The plurality of projections as defined in claim 1 require the projections to act as stoppers to restrict rotation of the lens holder with at least one projection provided on the frame and another on the lens holder. At least these two projections are spaced side by side in parallel and function as stoppers to restrict rotation of the lens holder. ✓ Although the Examiner has the authority to very broadly interpret a reference for the purposes of novelty, there must be in fact a teaching in the reference to support the Examiner's position i.e. it cannot be implied or assumed to exist. The Masunaga reference relates to a method for manufacturing a head in which Figure 1 illustrates an insert mold. The element 30a which the Examiner considers representing a "projection" in accordance with the present invention relates only to the fabrication process and not to the finished product. Stated otherwise, after the product is finished, the function of the element 30a ceases to exist. Accordingly, it is impossible to interpret the reference Masunaga as teaching a "projection" intended to perform a specific function after the product is formed since this is not taught, much less the function specified in claim 1 of the subject application. In fact, column 7, lines 20-21 of Masunaga mentions element 30a as an "unnecessary part". Furthermore, the element 153a which the Examiner has also indicated represents a "projection" as defined in claim 1, is in reality a joining block which performs no function once the product is formed. ✓

There is therefore no basis upon which to support a rejection under 35 USC 102 since Masunaga, et al does not teach the limitations of claim 1 and the rejection thereof should be withdrawn.

The rejection of claims 2 and 7 under 35 USC 102(b) as being anticipated by either Masunaga or Tomiyama, et al is respectfully traversed. Claim 2 defines a relationship between the plurality of projections disposed on the lens holder including first and second projections with each of the first projections and a respective one of the second projections form a side by side arrangement in parallel with respect to the

recording surface, with the second projection projecting a distance from the lens holder such that the rotation of the lens holder is controlled by the second projections.

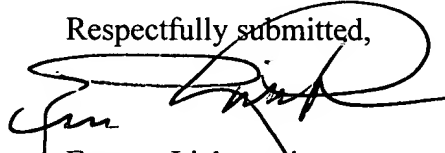
Neither Masunaga nor Tomiyama teach a plurality of projections in the arrangement claimed which perform any function whatsoever once the fabrication process is completed. Accordingly, it is not possible for the so-called projections in Masunaga or in Tomiyama to perform the functions required of them in claim 2 to control the rotation of the lens holder. In Masunaga, the element 153a as shown in Figure 21 is a fixed element which is not movable. Accordingly, for this reason as well as the reason given above, the element 153a has no relevance to the "projection" as claimed in claim 2 of the subject invention.

In accordance with the present invention and as shown in Figures 2, 5 or 13, the projections 37a and 38b or 37b and 38b are mounted "side by side in parallel". The words side by side should be given their dictionary definition meaning in a spatial relationship in close proximity and in parallel to one another. The Examiner's interpretation of being spaced from one another would be acceptable provided it is also interpreted as in close proximity to one another. However, the projections 37a and 38b or those of 37b and 38b are defined in the claim to provide a function which is to control the rotation of the lens holder 14 as is shown in Figure 5. This function is fulfilled either from the construction shown in Figures 2 or 5, or from the construction shown in Figure 13. The projections function when an external force is applied to the head as shown in Figure 5 i.e. the function of the projections effectively restrict the rotation of the lens holder 14 with this function accomplished by the arrangement taught in claim 2. In this regard, the wording "side by side in parallel" is important. Since neither of the references cited by the Examiner provide "functions" for the projections upon completion of the fabrication process, the Examiner cannot impute a function into the reference to support a rejection under 35 USC 102. The reference itself must teach each limitation in the claim. The Examiner is not at liberty to extrapolate from a reference in order to impute a

functional teaching, which is absent from the description. Accordingly, the rejection of claims 2 and 7 under 35 USC 102(b) as being anticipated by either Masunaga or Tomiyama, et al is inappropriate and in error. Once again, the description of the so-called frame elements 30a over 153a as mentioned by the Examiner in Masunaga relate only to the fabrication process and not to the final product, at which time the elements are no longer taught as having a function of any kind, much less the function recited in the claims.

Reconsideration and allowance of claims 2 and 7 is respectfully solicited.

Respectfully submitted,



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